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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,300	12/11/2001	Mikel Gee	120723	1425
23465	7590	02/09/2006	EXAMINER	
JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740			KASENGE, CHARLES R	
		ART UNIT	PAPER NUMBER	
		2125		

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/683,300	GEE, MIKEL	
	Examiner	Art Unit	
	Charles R. Kasenge	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 6-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 4 is/are allowed.  
 6) Claim(s) 1-3 and 6-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 9/26/05, with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dean et al. U.S. Patent 6,239,513.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dean et al. U.S. Patent 6,239,513. Regarding claims 1, 7, 19 and 20, Dean discloses an energy management system (Fig. 3 and 13) comprising: a generation module including at least one of a utility power source and a generating power source (Fig. 3, 5 and 19); a first set of at least one power distribution unit remote from said generation module and communicatively coupled to said generation module, wherein at least one of said at least one power distribution unit in the first set is connected to at least one essential device (Fig. 3, 27; col. 10, lines 38-52), and/or at least one critical device (col. 12, lines 27-52); a master control system remote from said generation module and said at least one power distribution unit in the first set, said master

control system communicatively coupled to said generation module and said at least one power distribution unit in the first set (Fig. 3, 21); an energy storage system configured to store power supplied by at least one of said utility power source and said generating power source when said at least one power distribution unit in the first set discontinues supplying power to the at least one essential device (Fig. 3, 17 and col. 5, lines 39-55); and a programmable logic controller configured to direct said at least one power distribution unit in the first set to resume supply of power to the at least one essential device upon determining that power supplied by said generation module is returned to a level (col. 8 and 9, lines 65-67 and 1-14).

Regarding claims 6 and 8-13, Dean discloses the system in accordance with Claim 7 wherein said generation module comprises at least two power sources, said master control system configured to remotely monitor and diagnose said at least two power sources (Fig. 3). Dean discloses the system in accordance with Claim 7 wherein said system further comprises a second set of at least two power distribution units remote from said generation module and communicatively coupled to said generation module, at least one of said at least two power distribution units within the second set connected to at least one critical device, said master control system configured to remotely monitor said generation module and instruct said at least one power distribution unit in the first set connected to the at least one essential device to stop supplying power to the at least one essential device (Fig. 3 and 13). Dean discloses the system in accordance with Claim 7 further comprising a conditioning module communicatively coupled to said generation module and said master control system, said master control system configured to remotely condition power from said generation module (Fig. 3, lines 11 and 25). Dean discloses a system in accordance with Claim 10 wherein said generation module comprises at least two

power sources, said master control system configured to remotely manage which of the at least two power sources provides power (Fig. 3, 21). Dean discloses a system in accordance with Claim 11 wherein said at least two power sources comprises said utility power source and said generating power source (Fig. 3, 5 and 19). Dean discloses a system in accordance with Claim 11 further comprising a flywheel energy storage system coupled to at least one of said at least two power sources (Fig. 3, 17).

Regarding claims 15-18, Dean discloses a system in accordance with Claim 7 further comprising a flywheel energy storage system coupled to said generation module (Fig. 3, 17). Dean discloses a system in accordance with Claim 9 wherein said generation module comprises at least two power sources, said master control system configured to remotely manage which of the at least two power sources provides power to said at least one power distribution unit within the first set and said at least two power distribution units within the second set (Fig. 3, 21). Dean discloses a system in accordance with Claim 15 wherein said at least two power sources comprises said utility power source and said generating power source (Fig. 3, 5 and 19). Dean discloses a system in accordance with Claim 16 further comprising a flywheel energy storage system coupled to at least one of said at least two power sources (Fig. 3, 17). Dean discloses a system in accordance with Claim 16 further comprising an uninterrupted power supply (col. 3, lines 7-28).

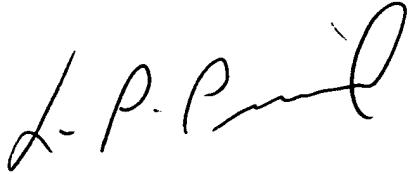
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
February 3, 2006



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